

**Notice of Allowability**

Application No.

10/035,868

Examiner

Hung H. Lam

Applicant(s)

NEIDRICH, JASON MICHAEL

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 07/12/06.
2. ☒ The allowed claim(s) is/are 1-13, 45, 14, 15, 17, 46, 25-27, 31-36, (Claims are renumber as 1-27 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed on 07/12/06, have been entered and made of record. Claims 16, 39-44 are cancelled by the Applicants. Claims 45-46 are added.
2. The restriction requirement mailed on 06/03/05 is hereby withdrawn.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Stephen L. Levine on 07/20/06.

The application has been amended as follows:

Claims 18-24, 28-30 and 37-38 have been canceled.

It is noticed that claim 8 is readable upon the elected species and thus has been rejoined.

***Allowable Subject Matter***

**15**

5. Claims 1-15, 17, 25-27, 31-36, 45 and 46 are allowed.

Please refer to previous Office Action for examiner's statement of reasons for allowing claims 25-27 and 31-36.

6. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest:

Regarding claim 1 the prior art of record neither anticipates nor renders obvious, "a device for masking one or more selected areas of a field of view while capturing an image, comprising:

an image aperture formed in the device;

a spatial light modulator (SLM) comprising an array of movable reflective elements, the SLM being positioned at a first angle with respect to a central axis of image light rays entering the device through the image aperture, and the SLM positioned such that the image light rays will hit at least some of the reflective elements of the SLM.

an image capturing device for use in recording an image; and

circuitry for controlling the SLM such that:

during a first period of time, a first part of an image reflects off of reflective elements of the SLM in a first position so that at least some of the first part of the image will eventually strike the image capturing device;

**also during the first period of time, a second part of the image reflects off of reflective elements of the SLM in a second position that directs the second part of the image**

to a first location where the second part of the image will not go to the image capturing device; and

**during a second period of time, at least a portion of the second part of the image reflects off of reflective elements of the SLM in the first position so that at least some of the second part of the image will eventually strike the image capturing device.”**

Regarding claim 14 the prior art of record neither anticipates nor renders obvious, “a device for masking one or more selected areas of a field of view while capturing an image, comprising:

an image aperture formed in the device;

a digital micro-mirror device (DMD) comprising an array of movable mirror elements, the DMD being positioned at a first angle with respect to a central axis of image light rays entering the device through the image aperture, and the DMD being positioned such that the image light rays will hit at least some of the mirror elements on the DMD.

a charge-coupled device (CCD) comprising an array of photon sensing elements; and circuitry for controlling the DMD such that:

during a first period of time, a first part of an image light rays reflects off mirror elements of the DMD in a first position so that at least some of the first part of the image light rays will eventually strike the CCD;

**also during the first period of time, a second part of the image light rays reflects off of mirror elements of the DMD in a second position that directs the second part of the**

**image light rays to a first location where the second part of the image light rays will not go to the CCD; and**

**during a second period of time, at least a portion of the second part of the image light rays reflects off of mirror elements of the DMD in the first position so that at least some of the second part of the image light rays will eventually strike the CCD.”**

Regarding **claims** 2-13, 45, 15,17 and 46, the claims are allowed as being dependent of claims 1 and 14, respectively.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOC YEN VU can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL  
07/21/06

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER